Supreme Court, U. S.
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In the Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-953

EDWARD RONWIN,

Petitioner,

vs.

THE COMMITTEE ON EXAMINATIONS AND ADMISSIONS OF THE SUPREME COURT OF THE STATE OF ARIZONA,

Respondent.

Brief in Opposition to Petition for a Writ of Certiorari to the Supreme Court of Arizona

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No. 76-953

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Respondent.

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OPINION BELOW

The opinion of the Supreme Court of Arizona on the application of Edward Ronwin to be admitted as a member of the State Bar of Arizona appears at .... Ariz. ...., 555 P.2d 315. A copy of that opinion, rendered July 6, 1976, is appended to the petition. A petition for rehearing was filed on behalf of the petitioner on September 3, 1976. On October 26, 1976, the petition for rehearing was denied without opinion.

JURISDICTION

Respondent does not question the jurisdiction of this Court to issue a writ of certiorari to the Supreme Court of Arizona in an appropriate case under Section 1257(3) of Title 28 U.S.C.

Respondent does question the procedural propriety of naming it as the respondent to this petition. The functions of the Committee on Examinations and Admissions of the Supreme Court of Arizona (Committee), as prescribed by Rule 28(c) of the Rules of the Supreme Court of Arizona, are to examine applicants and recommend to the Supreme Court of Arizona for admission to practice those applicants who are considered by the Committee to have the necessary qualifications. In carrying out these responsibilities, the Committee acts as an instrumentality of the Arizona Supreme Court which has reserved to itself full authority and discretion to admit or reject applicants. The Supreme Court of Arizona has often asserted its ultimate responsibility for the admission to the practice of law or the disbarment of a person licensed to practice law. *Application of Levine,* 97 Ariz. 88, 397 P.2d 205 (1964); *Application of Courtney,* 83 Ariz. 231, 319 P.2d 991 (1957); *In re Lewkowitz,* 70 Ariz. 325, 220 P.2d 229 (1950); *In re Sullivan,* 64 Ariz. 337, 170 P.2d 614 (1946); and Rule 28(a), Rules of the Supreme Court of Arizona.

QUESTION PRESENTED

Has the petitioner been accorded due process as guaranteed by the Fourteenth Amendment of the Constitution of the United States in the processing of his application for admission to the practice of law in the State of Arizona?

STATUTE AND RULES INVOLVED

Rule 28(a) and the applicable portion of Rule 28(c) of the Rules of the Supreme Court of Arizona in effect at the time of the proceedings out of which this petition arises are set forth in Appendix A to this brief.[1]

STATEMENT OF THE CASE

Rule 28(c), Rules of the Supreme Court of Arizona, sets fortk in detail all the procedures to be followed and the requirements to be met by applicants to practice law in Arizona. The rule provides that before permission is granted an applicant to take the bar examination it must be established that the applicant is "mentally and physically able to engage in active and continuous practice of law". Rule 28(c) IV 5. Petitioner applied for permission to write the bar examination administered by the Committee in February, 1974. Although the Committee had not yet completed its investigation, petitioner was permitted to take the examination conditionally. Petitioner failed to receive a passing grade on the bar examination, and following the denial of a petition for review by the Arizona Supreme Court, petitioner filed in this Court a petition for a writ of certiorari to the Supreme Court of Arizona in connection with that examination. This Court declined to accept jurisdiction on that petition on October 29, 1974. *Ronwin v. Committee on Examinations and Admissions of the Supreme Court of Arizona,* 419 U.S. 967 (1974).

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1. Rule 28 of the Rules of the Supreme Court of the State of Arizona was amended November 3, 1975, effective November 8, 1975. The primary change was the creation of two committees i.e., one Committee on Examinations and one Committee on Character and Fitness, whereas prior to the amendment the function of each of the new committees was performed by the Committee on Examinations and Admissions. These amendments in no way change the Rule insofar as it applies to the proceedings involving the petitioner.

On June 1, 1974, petitioner applied for permission to take the July 1974 bar examination. On July 22, 1974, the Committee advised petitioner that it was at that time "unable to make the requisite finding that you are mentally and physically able to engage in active and continuous practice of law" and that he would, therefore, not be permitted to write the July 1974 bar examination. A copy of the July 22, 1974, letter from the Committee to the petitioner is attached to this brief as Appendix B.

On September 6, 1974, John P. Frank, an attorney practicing in Phoenix, Arizona, wrote George Read Carlock, then Chairman of the Committee, to advise that he would be representing petitioner and to request the appointment of a special committee to be appointed by the Chief Justice of the Supreme Court of Arizona. A copy of this letter is appended to this brief as Appendix C. On September 11, 1974, Carlock communicated petitioner's request for the appointment of a special committee to the then Chief Justice of the Supreme Court of Arizona. A copy of this letter is appended to this brief as Appendix D.

On September 24, 1974, the Chief Justice of the Supreme Court of Arizona appointed a special committee to conduct a hearing in the matter of the application of Edward Ronwin to be admitted as a member of the State Bar of Arizona. A copy of this order is appended to this brief as Appendix E.

On October 31, 1974, petitioner and his counsel were each served with a notice of hearing specifying the purpose of the hearing "to receive evidence to enable the special committee to determine whether it can make a finding that you are mentally able to engage in active and continuous practice of law as required by Rule 28(c) IV of the Rules of the Supreme Court of Arizona which finding is a pre-

requisite to granting an applicant permission to take the bar examination in the State of Arizona." A copy of this notice of hearing is appended to this brief as Appendix F.

On November 19, 1974, an order was entered by the Chief Justice of the Supreme Court of Arizona appointing an examiner to "further investigate said matter and to present all available evidence upon the hearing scheduled before the special committee on December 5, 1974." A copy of this order is appended to this brief as Appendix G.

Because of the time required to perform the substantial discovery involved in this case, it was necessary that the formal hearing first scheduled for December 5, 1974, be continued, and on December 10, 1974, an amended notice of formal hearing was served upon petitioner and his counsel. A copy of this amended notice of formal hearing is appended to this brief as Appendix H.

In the course of discovery, counsel for petitioner and the examiner appointed by the Arizona Supreme Court entered into a stipulation whereby petitioner agreed to submit to an examination by a psychologist and a psychiatrist. A copy of this stipulation and the underlying letter referred to in it, are appended to this brief as Appendix I.

The formal hearing was held before the special committee on January 6, and January 7, 1975. The transcript of the testimony presented at that hearing consists of 445 pages. In that formal hearing, the special committee heard the testimony of 17 witnesses including petitioner, and received 20 exhibits in evidence. Included in the exhibits was deposition testimony of four additional witnesses. The witnesses included academic associates, law school teachers, and fellow law school students of petitioner, as well as practicing attorneys for whom petitioner had done legal research, two psychiatrists, and one clinical psychologist.

Each exhibit offered by petitioner was admitted in evidence, and the testimony of each witness presented by petitioner was received by the special committee. At the formal hearing, petitioner was represented by able counsel and was given the opportunity to confront and cross-examine all witnesses. Each member of the special committee was present at all times during the formal hearing.

Following the completion of the formal hearing, the special committee met and considered the evidence presented to it. Upon deliberation, it was the decision of the special committee that it could not affirmatively recommend petitioner's admission to the practice of law in the State of Arizona. The Committee made its findings on January 21, 1975, and they were filed with the Supreme Court of Arizona on January 22, 1975. The findings, which were signed by each of the seven members of the special committee, were as follows:

> "The applicant RONWIN is not mentally able to engage in the active and continuous practice of the law.
>
> "The Committee finds that the applicant suffers from an established personality disorder of a character and pattern which will persist in the event the applicant is admitted to the practice of law which
>
> "(a) Causes him to be unreasonably suspicious that bad motives and intentions activate persons with whom he comes into contact and to unreasonably imagine that he is the object of unfair persecution by such persons and to act upon such imagined wrongs as if in fact sustained by known facts;
>
> "(b) Causes him to make irresponsible and highly derogatory untrue public accusations and charges against persons in responsible positions which he knows or reasonably should know are without any factual basis or support;

> "(c) Causes him to bring and pursue with great persistence groundless claims in court proceedings and otherwise even though he knows or should reasonably know such claims to be groundless, and that thereby others will be subjected to needless expense and concerns;
>
> "The Committee finds that because of this personality disorder applicant would probably be unable to properly represent and serve the interests of his clients. The Committee further finds that the personality disorder of applicant will probably cause him, if admitted to the practice of law, to bring and prosecute groundless claims and subject clients, parties, the Court and adversary counsel to groundless charges of misconduct and impropriety if his view of the merits of the claims he presented should be vigorously opposed and be found to be without merit by the Court.
>
> "The Committee concludes that the risk of harm to the public to be anticipated by reason of this unfortunate personality disorder suffered by applicant is so great as to require that the Committee make the findings above stated."

On January 28, 1975, petitioner filed a petition for review with the Supreme Court of Arizona. Oral argument on the petition for review was held before the Supreme Court of Arizona on October 2, 1975. Following this oral argument, the matter was taken under advisement for decision, en banc. On July 6, 1976, the Supreme Court of Arizona rendered an opinion in which it reviewed the evidence, accepted findings (a) and (b) of the Committee, and denied petitioner's applications to practice law in the State of Arizona and to take the written bar examination. A timely motion for rehearing was denied by the Supreme Court of Arizona on October 26, 1976.

ARGUMENT

Petitioner's representation to this Court that the recommendation of the special committee and the decision of the Arizona Supreme Court resulted from anti-Semitic feelings or an effort to thwart his freedom of speech is totally without support in the record. Throughout various stages of these proceedings, petitioner has contended that the inquiry into his mental ability has been a smoke-screen and that he has been a victim of discrimination in violation of his civil rights. Petitioner claims that his discrimination theory is supported by the fact that two of the persons he accused of harassing him with anti-Semitic slurs were allowed to take the February 1974 bar examination, received passing scores, and were admitted to practice, while petitioner was only conditionally allowed to write the examination, on which he failed to receive a passing score. Petitioner further asserts that, had he not stood up for his rights in the expression of repugnance to anti-Semitic slurs, he would now be a member of the State Bar of Arizona. There is no factual basis for either of these contentions. The two fellow students whom petitioner accused of defaming him by anti-Semitic statements and signs testified at the formal hearing and denied vehemently that they were guilty of any of the things of which petitioner accused them. There has been no evidence whatever that these persons committed the acts alleged.

Although there were witnesses at the formal hearing who testified that in their opinion petitioner is mentally able to engage in active and continuous practice of law, there were also witnesses who testified exactly to the contrary. The latter included persons who had been in law school with petitioner, persons who had been former academic associates with him during certain portions of the preceding

ten years, and a practicing clinical psychologist with a Ph.D. degree and more than 20 years of professional experience. The essence of their testimony can best be summarized by quoting from the opinion of the Supreme Court of Arizona in this case:

> "In summary, there is significant expert testimony in the record to indicate that Ronwin has a 'paranoid personality' which is characterized by hypersensitivity, rigidity, unwarranted suspicions, excessive self-importance and a tendency to blame others and ascribe evil motives to them. The ominous ramifications of his personality disorder can be seen in the testimony of two professors which indicates that on different occasions he became enraged during discussions of academic matters and made serious threats of physical violence toward certain individuals and, in two cases, their wives. The record reveals a continuing inability by the applicant to maintain normal interpersonal relationships with sharp conflict rather than cooperation a common result. This situation is particularly aggravated where Ronwin is the subject of criticism or views himself as the victim of an imagined or real injustice. While he may excel in other endeavors, he appears mentally unable to reasonably deal with the type of social interaction involved in dealing with clients, other members of the Bar and the public.
>
> "We believe that it is imperative that the term 'mentally * * * able to engage in active and continuous practice of law' be construed to exclude persons whose long-standing personality traits indicate an obvious inability to get along with authority figures under situations of minor stress and conflict, whether or not these personality deficiencies rise to the level of medically recognized and categorized mental disorders." 555 P.2d at 317.

As with any proceeding involving factual disputes, the Committee and, independently, the Supreme Court of Ari-

zona were required to make difficult decisions. The primary responsibility of the Supreme Court of Arizona in a situation such as this is the protection of the public, and given the substantial evidence supporting its decision, it is respectfully submitted that this determination should be left to the Supreme Court of Arizona.

The record clearly shows that petitioner has been afforded due process at every stage of the proceeding. The Arizona Supreme Court had before it, while considering petitioner's petition for review, a complete transcript of the testimony heard by its Committee and all of the documentary evidence offered in the hearings before the Committee, as well as the entire Committee file.

Petitioner's true complaint is that the Supreme Court of Arizona resolved the question of whether he is "mentally able to engage in active and continuous practice of law" against him. The record before this Court clearly establishes that there was ample evidence for such a decision by the Supreme Court of Arizona.

As Mr. Justice Frankfurter eloquently articulated in his concurring opinion in *Schware v. Board of Bar Examiners*, 353 U.S. 232 (1957):

> ". . . Admission to practice in a State and before its courts necessarily belongs to that State . . .
>
> • • •
>
> ". . . Especially in this realm it is not our business to substitute our judgment for the State's judgment—for it is the State in all the panoply of its powers that is under review when the action of its Supreme Court is under review.
>
> "Nor is the division of power between this Court and that of the States in such matters altered by the fact that the judgment here challenged involves the application of a conception like that of 'moral character,'

> which has shadowy rather than precise bounds. It cannot be that that conception—moral character—has now been found to be so indefinite, because necessarily implicating what are called subjective factors, that the States may no longer exact it from those who are to carry on 'the public profession of the law.' (See Elihu Root, in 2 A.B.A.J. 736.) To a wide and deep extent, the law depends upon the disciplined standards of the profession and belief in the integrity of the courts. We cannot fail to accord such confidence to the state process, and we must attribute to its courts the exercise of a fair and not a biased judgment in passing upon the applications of those seeking entry into the profession." 353 U.S. 248, 249.

It is respectfully submitted that the question of whether a person is "mentally able to engage in active and continuous practice of law" is no more subjective than a question of "good moral character." The rule articulated by Mr. Justice Frankfurter is equally applicable to this case.

On all of the evidence, and in the proper exercise of its responsibility, the Supreme Court of Arizona has concluded that petitioner is not now "mentally able to engage in active and continuous practice of law," which prerequisite can properly be demanded of a person who seeks to practice law. At all stages in the proceeding on his application, petitioner was afforded due process. It is respectfully submitted that the judgment of the Supreme Court should not be overturned.

CONCLUSION

The petition for a writ of certiorari should be denied.

Respectfully submitted,

DAUGHTON FEINSTEIN & WILSON
DONALD DAUGHTON

1840 First National Bank Plaza
100 West Washington Street
Phoenix, Arizona 85003

Attorneys for Respondent

(Appendices follow)

Appendix A

Rules 28(a), 28(c) IV, and the Applicable Portions of 28(c) XII of the Rules of the Supreme Court of Arizona

28(a) Committee on examinations and admissions; powers and duties. The examination and admission of applicants for membership in the State Bar of Arizona shall conform to this Rule. For such purpose, a committee on examinations and admissions consisting of seven active members of the state bar shall be appointed by this court upon the recommendation of the board of governors of the state bar which shall recommend at least three members of the state bar for each appointment to be made. Upon the effective date of the amendment of this rule, the court shall make appointments to the committee on examinations and admissions as follows: That person most recently appointed to the committee shall be reappointed for a term of four years and in order of inverse seniority on the committee, the next three existing members shall be reappointed for terms of three years, two years and one year, respectively, and three new members shall be appointed, one for a term of seven years, one for a term of six years and one for a term of five years. Thereafter, upon the expiration of a member's term, the court shall appoint a new member to serve for a term of seven years. In the event of a resignation or inability of a committee member to serve, the court shall appoint another person to serve the unexpired term. The committee shall examine applicants and recommend to this court for admission to practice applicants who are found by the committee to have the necessary qualifications and to fulfill the requirements prescribed by the rules of the board of governors as approved by this court respecting examinations and admissions heretofore adopted and made effective May 25,

1948, and as amended effective February 1, 1954, and such other rules as hereafter may be adopted. The court will then consider the recommendations and either grant or deny admission.

Amended, effective Sept. 15, 1970.

28(c) Rules governing admission of applicants to the state bar of Arizona, as amended.

IV

The committee shall consider and act upon the application within six months after it is filed, unless the time therefor is extended by an order of the Supreme Court. The mere filing of an application does not entitle the applicant to be examined by the Committee. No applicant will be examined until his application has been considered and acted upon and permission granted by the Committee to take such examination. No such permission will be granted until it is established to the satisfaction of the Committee:

1. That the applicant is or at the time of the examination will be over the age of twenty-one (21) years;

2. (a) That he is and will have been continuously an actual and bona fide resident of the State of Arizona for three months immediately prior to the first day of the month of the examination applied for and shall have been physically present within the state of Arizona for at least 75% of the said three month period; or

(b) That he is a graduate of the College of Law of the University of Arizona or of the College of Law of Arizona State University and has been in residence attendance at such College of Law for two (2) semesters immediately preceding the examination applied for; provided, however, that an applicant for re-examination who qualified originally to take the examination pursuant to the above provisions of Rule IV 2(b) and who has failed such examination, has withdrawn his application or failed to complete such examination, shall be entitled to such exemption from the residence requirements of these rules by reason of attendance at and graduation from the College of Law of either the University of Arizona or Arizona State University only with respect to the next ensuing examination and not thereafter; or

(c) That he is a graduate of the College of Law of the University of Arizona or of the College of Law of Arizona State University who entered military or naval service within one year after graduation and who has applied for and will take the examination within one year after discharge from such military or naval service; or

(d) That he is and will have been continuously an actual and bona fide resident of Arizona for a period of more than one year immediately prior to the first day of the month of the examination applied for, but has or will have been physically absent from the state of Arizona for more than 25% of the last three months of such period because of attending school in another state, or because of military or naval service, or because of other reasons deemed substantial by the Committee;

3. That he is a citizen of the United States;

4. That he is of good moral character;

5. That he is mentally and physically able to engage in active and continuous practice of law;

6. That he is a graduate of a law school provisionally or fully approved by the American Bar Association at the time of his graduation; provided that this requirement shall not apply to an applicant who has been actively engaged in the practice of law in some other state or states

for at least five years of the last seven years prior to his application for admission to practice in Arizona;

7. That, if admitted to practice in any other state or states, he is in good standing in every such state.

XII

RULES GOVERNING PROCEDURE BEFORE THE COMMITTEE

A. Informal hearings and determinations.

In the event additional information is required by the Committee with respect to any applicant to enable the Committee, in its opinion, to complete the findings required before it grants or denies an applicant permission to take an examination, it may hold an informal inquiry upon oral or written notice to such applicant, which notice shall advise the applicant generally of the subject of the inquiry and the time and place thereof. Such informal hearing may be conducted by any member of the Committee as designated by its chairman. Upon request of the applicant or by direction of the Committee such hearing shall be stenographically reported and if the information received upon such inquiry has or is expected to have a material bearing upon any decision of the Committee it shall be so reported and a transcript thereof made a part of the applicant's file.

B. Procedure prior to denial by the committee of permission to write examination. Rejection of application based upon record.

If the Committee finds that an applicant is not qualified for permission to take an examination if such finding is based upon information furnished by applicant or failure of the applicant to furnish information required by the Committee, the Committee shall advise such applicant in writing of the discrepancy in the application and shall

allow a reasonable time to the applicant to either supply additional information or to correct, explain or otherwise remedy the defects in such applicant's application and supporting papers and documents as the case may be. Thereafter, if such discrepancies have not been cured and if the reasons for the refusal of the Committee to grant permission to such applicant to take an examination are of record as a part of such applicant's file, the Committee may thereupon deny such permission, stating in writing in the applicant's file its reasons for denying permission to such applicant to take the examination, and shall promptly advise applicant of such denial and the reasons therefor.

C. Inquiry by committee in relation to matters not of record.

If the Committee is unable to make the findings required to grant an applicant permission to take an examination upon the record as made by the applicant or because of information which it has obtained which has not been supplied by applicant or if the Committee for any reason is of the opinion that a formal hearing should be held to complete its investigation of any applicant's qualifications to be admitted to write an examination it may hold such hearing or hearings as may be reasonably required to enable the Committee to pass upon the qualifications of such applicant.

In the event the Committee determines such hearing should be held it shall notify the applicant in writing of such determination and of the time and place such hearing will begin. The notice shall specify with particularity sufficient to advise the applicant generally as to the subject and purpose of the hearing.

D. Formal hearings, subpoena and depositions.

Upon the issuance of the Notice of Hearing hereinbefore provided for, the proceeding thenceforth shall be and be considered a civil matter pending before this Court referred to the Committee on Examinations and Admissions for hearings, findings and decision as to the right of such applicant to be admitted to the bar examination applied for. Proceedings thereafter shall be styled as follows:

BEFORE THE COMMITTEE ON EXAMINATIONS AND ADMISSIONS OF THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of the Application of ..... To Be Admitted as a Member of the State Bar of the State of Arizona	No. .....

thereafter all of the Rules of Civil Procedure authorizing, relating to and governing depositions in civil proceedings within and outside the state shall become applicable and shall authorize and govern depositions desired either by applicant or by the Committee in connection with said hearing.

Either the Committee or the applicant shall be entitled to have subpoenas (including duces tecum) issued by the Clerk of this Court to require the attendance of witnesses at said hearing and any continuance thereof. The party desiring issuance of such subpoena shall file an application therefor with any Justice of this Court with a brief statement of the reasons for requiring such subpoena accompanied by a form of order authorizing the Clerk of this Court to issue such subpoena and the form thereof for issuance by Clerk.

In the event the Committee by vote of a majority of its members finds that the proposed hearing will be complex, or for other reasons deemed sufficient, the Committee may

certify to this court that in its opinion an examiner should be appointed from State Bar members to further investigate and present the evidence bearing upon the issue of the applicant's qualifications to be admitted to the examination applied for, and upon receipt thereof the Chief Justice of this Court, provided he approves the need thereof, shall appoint such an examiner to further investigate said matter and to present all available evidence upon the hearing aforesaid; provided, however, that the foregoing provision shall not be deemed or construed as denying to the applicant the right to be represented by counsel of the applicant's choosing who may represent applicant fully and independently of the duties and responsibilities of such examiner.

E. Conduct of hearings.

One or more members of the Committee shall conduct the hearing, one of whom shall be designated by the chairman as the presiding member, who shall announce all rulings of the Committee which shall be made without a vote of the members unless the applicant shall request a ruling upon any matter by a majority of the members in attendance at the hearing. In the event the entire membership of the Committee shall not be present and participate in all hearings no final decision shall be deliberated or reached by the Committee until a transcript of all hearings shall be available to all members for review of the testimony and evidence received when any member was absent.

After the hearing and any continuance thereof are concluded, the Committee shall promptly convene, as soon as the transcript thereof is available, and reach and announce their findings and decision as to the right of such applicant to be admitted to the examination applied for. The Committee shall find the facts separately from its decision.

REVIEW BY THE SUPREME COURT

An applicant aggrieved by any decision of the Committee

(A) Refusing permission to take an examination upon the record;

(B) Refusing permission to take an examination after hearing;

(C) For any substantial cause other than with respect to a claimed failure to award a satisfactory grade upon an examination;

may within 20 days after such occurrence file a verified petition with this Court for a review. The petition shall succinctly and briefly state the facts which form the basis for the complaint and applicant's reasons for believing this Court should review the decision of the Committee.

A copy of said petition shall be promptly served upon the chairman or some member of the Committee and the Committee shall within 15 days of such service transmit said applicant's file and a response to the petition fully advising this Court as to the Committee's reasons for its decision and admitting or contesting any assertions made by applicant in said petition. Thereupon this Court shall consider the papers so filed together with the petition and response and make such order, hold such hearings and give such directions as it may in its discretion deem best adapted to a prompt and fair decision as to the rights and obligations of applicant judged in the light of the Committee's and this Court's obligation to the public to see that only qualified applicants are admitted to practice as attorneys at law.

Appendix B

COMMITTEE ON EXAMINATIONS
AND ADMISSIONS
SUPREME COURT, STATE OF ARIZONA

[Letterhead]

July 22, 1974

Dr. Edward Ronwin
Box 27801
Tempe, Arizona 85282

Dear Dr. Ronwin:

This Committee has found that you are not qualified for permission to take the July, 1974, bar examination, in that the Committee is unable to make the requisite finding that you are mentally and physically able to engage in active and continuous practice of law.

Accordingly, you will not be permitted to take the examination.

Yours very truly,

/s/ G. R. Carlock
G. R. Carlock
Chairman

GRC:ryt

cc: Members of the Committee
Mrs. Doris Odom

Appendix C

LEWIS AND ROCA
Lawyers

[Letterhead]

September 6, 1974

Mr. George Read Carlock
Chairman
State Board of Bar Examiners
114 West Adams, Suite 500
Phoenix, Arizona 85003

Dear Mr. Carlock:

May I identify myself as representing Mr. Edward Ronwin for the purpose of having a hearing on the matter of his mental competence and capacity to practice law, a question which has been raised by you. As I understand it, you have proposed a hearing and Mr. Ronwin is, within the limitations of this letter, prepared to go forward with it.

He requests that this hearing be conducted by a special committee to be appointed by the Chief Justice and that he be given some reasonable notice of what the scope of the hearing is to be. He asks that the matter be disposed of quickly so that he can return to the business of being fully prepared for the examination.

Yours very truly,

/s/ JOHN P. FRANK
John P. Frank

JPF:srs

Appendix D

COMMITTEE ON EXAMINATIONS
AND ADMISSIONS
SUPREME COURT, STATE OF ARIZONA

[Letterhead]

September 11, 1974

The Honorable Jack D. H. Hays
Chief Justice
Supreme Court of Arizona
1700 West Washington Street
Phoenix, Arizona 85007

Dr. Edward Ronwin

Dear Chief Justice Hays:

Dr. Edward Ronwin is an applicant for admission to practice law in Arizona.

He took the February, 1974, examination but was not given a passing grade, and was therefore not recommended for admission by this Committee. He thereafter filed with this Committee a petition for review of the grading of his examination papers, which was denied; and filed in the Supreme Court of Arizona a petition for review, which was also denied. He has now filed in the Supreme Court of the United States a petition for a writ of certiorari by which he seeks review of the actions of the Supreme Court of Arizona in this regard.

This Committee did not permit him to take the July, 1974, bar examination because it was then unable to make the requisite finding that he was mentally and physically able to engage in the active and continuous practice of law.

Dr. Ronwin then filed in the Supreme Court of Arizona a Petition For Writ Of Special Action by which he sought permission to take the examination, and this petition was denied.

This Committee has advised Dr. Ronwin that he is entitled to a hearing with respect to this Committee's determination as to his qualifications to be permitted to write an examination. Mr. John P. Frank has advised this Committee that he will represent Dr. Ronwin at this hearing; has asked that it be conducted by a special committee to be appointed by the Chief Justice; and has asked that he be given "some reasonable notice of what the scope of the hearing is to be." A copy of Mr. Frank's letter to this Committee, dated September 6, 1974, is attached hereto.

This Committee recommends that the Supreme Court grant Dr. Ronwin's request that the hearing be conducted by a special committee. In other cases in which this Committee has held formal hearings, it has retained counsel to present the matter in order to insure that an adequate and proper record was made; and it recommends that this be done for this hearing. Mr. Donald Daughton is thoroughly familiar with the rules applicable to these proceedings, and this Committee recommends that the special committee be authorized to retain him.

As to the scope of the hearing: This Committee's refusal of permission for Dr. Ronwin to take the July, 1974, bar examination was based solely on the Committee's determination that, on the information it then had, the Committee could not make the requisite finding that Dr. Ronwin was mentally and physically able to engage in active and continuous practice of law; it therefore appears that the only question as to which evidence would be relevant is that question.

Yours very truly,

/s/ G. R. Carlock
G. R. Carlock
Chairman

GRC:ryt
encl.

cc: Members of the Committee
Mrs. Doris Odom
Mr. John P. Frank
Mr. Donald Daughton

Appendix E

Filed Sep 24 1974

In the Supreme Court of the State of Arizona

No. SB 52-2

In the Matter of the Application
of Dr. Edward Ronwin to Be
Admitted as a Member of the
State Bar of Arizona

ORDER

Pursuant to Rule 28(a), Rules of the Supreme Court,
IT IS ORDERED that a special committee, consisting of the persons hereinbelow named, be and it is hereby appointed to conduct a hearing in the above-referenced matter.

Mark Wilmer, Chairman
Hamilton R. Catlin
John F. Molloy
Francis J. Ryley
Ivan Robinette
Robert O. Lesher
David K. Wolfe

DATED this 24th day of September, 1974.

/s/ JACK D. H. HAYS
Jack D. H. Hays, *Chief Justice*

Appendix F

Daughton Feinstein & Wilson
Lawyers
1840 First National Bank Plaza
100 West Washington Street
Phoenix, Arizona 85003
Telephone (602) 254-5071

Attorneys for Committee on Examinations and Admissions

Before the Committee
on Examinations and Admissions of the Supreme Court
of the State of Arizona

No. SB 52-2

In the Matter of the Application of EDWARD RONWIN
to be admitted as a member of the
State Bar of the State of Arizona

NOTICE OF HEARING

TO: EDWARD RONWIN, applicant, and John P. Frank, his attorney.

Notice is hereby given, pursuant to Rule 28(c) XII C of the rules of the Supreme Court of Arizona, that a formal hearing will be conducted before the Special Committee on Examinations and Admissions appointed by the Supreme Court of Arizona on September 24, 1974, and that said hearing will commence at 9:30 a.m. on Thursday, December 5, 1974 at the offices of the State Bar of Arizona, 858 Security Building, Phoenix, Arizona 85004. The subject to be considered is whether you are mentally able to engage in active and continuous practice of law.

The purpose of the hearing is to receive evidence to enable the Special Committee to determine whether it can make a finding that you are mentally able to engage in active and continuous practice of law as required by Rule 28(c) IV of the Rules of the Supreme Court of Arizona which finding is a prerequisite to granting an applicant permission to take the bar examination in the State of Arizona.

/s/ MARK WILMER
Mark Wilmer
Chairman, Special Committee on Examinations and Admissions

Copy of the foregoing mailed
this 31st day of October, 1974
to:

Edward Ronwin
Box 27801
Tempe, Arizona 85282

Copy of the foregoing delivered
this 31st day of October, 1974
to:

John P. Frank, Esq.
Lewis and Roca
100 West Washington Street
Phoenix, Arizona 85003

/s/ DONALD DAUGHTON
Donald Daughton

Appendix G

Filed Nov 19 1974

Daughton Feinstein & Wilson
Lawyers
1840 First National Bank Plaza
100 West Washington Street
Phoenix, Arizona 85003
Telephone (602) 254-5071

Attorneys for Committee on Examinations and Admissions

Before the Committee
on Examinations and Admissions of the Supreme Court
of the State of Arizona

NO. SB 52-2

In the Matter of the Application of EDWARD RONWIN
to be admitted as a member of the
State Bar of the State of Arizona

CERTIFICATION FOR APPOINTMENT OF AN EXAMINER

Mark Wilmer, Chairman of the Special Committee on Examinations and Admissions of the Supreme Court of the State of Arizona, hereby certifies that the Committee, by a vote of a majority of its members, believes that the proposed hearing on the application of Edward Ronwin will be complex and in the opinion of the Committee an examiner should be appointed from State Bar members to further investigate and present the evidence bearing upon the issue of applicant's qualifications to be admitted to the examination applied for.

It is further respectfully requested that Donald Daughton be named as examiner for the Committee.

/s/ MARK WILMER
Mark Wilmer
Chairman, Special Committee on Examinations and Admissions

ORDER

Pursuant to the foregoing certification by Mark Wilmer, Chairman of the Special Committee on Examinations and Admissions, in accordance with Rule 28 C XII D, it is

Ordered appointing Donald Daughton as examiner to further investigate said matter and to present all available evidence upon the hearing scheduled before the Special Committee on December 5, 1974.

/s/ JACK D. H. HAYS
Jack D. H. Hays
Chief Justice

COPY of the foregoing
application for issuance
of subpoenaes delivered
to:

John P. Frank, Esq.
Attorney for Edward Ronwin
this 8th day of November, 1974

/s/ DONALD DAUGHTON
Donald Daughton

Appendix H

Daughton Feinstein & Wilson
Lawyers
1840 First National Bank Plaza
100 West Washington Street
Phoenix, Arizona 85003
Telephone (602) 254-5071

Attorneys for Committee on Examinations and Admissions

Before the Committee
on Examinations and Admissions of the Supreme Court
of the State of Arizona

NO. SB 52-2

In the Matter of the Application of EDWARD RONWIN
to be admitted as a member of the
State Bar of the State of Arizona

AMENDED NOTICE OF FORMAL HEARING

TO: Edward Ronwin, applicant, and John P. Frank, his attorney

Notice is hereby given, pursuant to Rule 28 (c) XII C of the Rules of the Supreme Court of Arizona, that a formal hearing will be conducted before the Special Committee on Examinations and Admissions appointed by the Supreme Court of Arizona on September 24, 1974, and that said hearing will commence at 9:30 a.m. on Monday, January 6, 1975 at the offices of the State Bar of Arizona, 858 Security Building, Phoenix, Arizona, 85004. The subject to be considered is whether you are mentally able to engage in active and continuous practice of law.

The purpose of the hearing is to receive evidence to enable the Special Committee to determine whether it can make a finding that you are mentally able to engage in active and continuous practice of law as required by Rule 28 (c) IV of the Rules of the Supreme Court of Arizona which finding is a prerequisite to granting an applicant permission to take the bar examination in the State of Arizona.

/s/ Mark Wilmer
Mark Wilmer, Chairman
Special Committee on Examinations and Admissions

Copy of the foregoing mailed
this 10th day of December, 1974
to:

Edward Ronwin
Box 27801
Tempe, Arizona 85282

Copy of the foregoing delivered
this 10th day of December, 1974
to:

John P. Frank, Esq.
Lewis and Roca
100 West Washington Street
Phoenix, Arizona 85003
Attorneys for Edward Ronwin

/s/ Donald Daughton
Donald Daughton

Appendix I

Before the Committee on Examinations and Admissions
State Bar of Arizona

In the Matter of
Edward Ronwin

STIPULATION

It is stipulated between Mr. Donald Daughton, counsel for the Committee on Examinations and Admissions, and Mr. John P. Frank, counsel for Mr. Ronwin, that Mr. Ronwin will be examined by a psychologist and a psychiatrist designated by Mr. Daughton as proposed in a letter by him dated November 4, 1974 at a mutually convenient time. It is understood that this examination will be extensive. Mr. Ronwin reserves the right to offer a further examination by a psychiatrist of his own choosing, and for this purpose his own psychiatrist may if he wishes examine the psychologist's report of Mr. Daughton. No agreement of the parties makes a report of one doctor weightier than that of another; this will be a matter for the Committee to consider.

Mr. Ronwin notes that he accepts this examination because there is no other way to meet the requirement im-

posed than to take the examination, but without acknowledging thereby that this is a proper or warranted procedure.

Respectfully submitted,

/s/ DONALD DAUGHTON
Donald Daughton
For the Committee on
Examinations and Admissions

LEWIS AND ROCA

/s/ JOHN P. FRANK
John P. Frank
For Edward Ronwin

DAUGHTON FEINSTEIN & WILSON
Lawyers

[Letterhead]

November 4, 1974

John P. Frank, Esq.
Lewis and Roca
100 West Washington Street
Phoenix, Arizona 85003

Dear John:

Re: Committee on Examinations and
Admissions—Edward Ronwin, adv.

As you know, a formal hearing has been scheduled for December 5, 1974 on Edward Ronwin's application to be admitted as a member of the State Bar of Arizona. In order to properly prepare for said hearing, I need the following:

1. An examination of Dr. Ronwin by Dr. Francis Enos, Psychologist and Dr. Robert H. Barnes, Psychiatrist. Both are associated with the Institute for Human Services and would work in combination in performing a psychological evaluation of Edward Ronwin.
2. Depositions of the following persons who have been previously associated with Dr. Ronwin: Dr. Stephen A. Rodemeyer, Fresno State College, Fresno, California; Dr. Charles Meister and Dr. Warren Neill, of Eastern New Mexico University, Portales, New Mexico; Dr. Rufus Lumry, University of Minnesota, Minneapolis, Minnesota and Dr. Robert Eric Olson, a practicing physician in Minneapolis, Minnesota.
3. The right to examine Dr. Ronwin's file in the College of Law, Arizona State University. If Dr. Ron-

win does not voluntarily make his file available to the Committee, I intend to apply to the Arizona Supreme Court for a Subpoena Duces Tecum directed to Dean Willard Pedrick, compelling the production of said file.

I would appreciate your discussing these matters with Dr. Ronwin and advising me of his decision as quickly as possible because if he refuses to comply with this demand, I intend to seek appropriate orders from the Arizona Supreme Court.

Dr. Ronwin's petition for a writ of certiorari has been denied by the United States Supreme Court and I am informed by the clerk's office that the original file will be returned to the Arizona Supreme Court prior to the December 5th hearing.

Sincerely,

/s/ DONALD DAUGHTON
Donald Daughton

DD:sp
HAND DELIVERED